



## **IDEM's Indiana Register Summary August 2003**

### **Final Rules**

#### **Air Pollution Control Board**

**LSA #02-54(F), [26 IR 3550](#)**

**362 IAC 10-3-1, 10-4**

Amends 326 IAC 10-3-1 to delete emission limits for Ispat Inland and U.S. Steel in Lake County. Amends 326 IAC 10-4 to changes compliance dates, amend emission trading allowances, and add formulas for energy efficiency programs. This rule becomes effective 30 days after filing with the secretary of state. (Filed with Secretary of State July 7, 2003.)

#### **Water Pollution Control Board**

**LSA #01-96(F), [26 IR 3574](#)**

**327 IAC 5-4-6, 15-13-1 through 15-13-22**

Amends 327 IAC 5-4-6 and adds 327 IAC 15-13-1 through 327 IAC 15-13-22 to add the federal requirements for municipal separate sewer systems (MD4s). This rule becomes effective 30 days after filing with the secretary of state. (Filed with Secretary of State July 7, 2003.)

**LSA #01-238(F), [26 IR 3595](#)**

**327 IAC 6.1**

Amends the rules for the application of biosolid, industrial waste products, and pollutant-bearing water in 327 IAC 6.1. The purpose of this rule change is to amend and clarify sections of the article that are creating unnecessary problems for the regulated community and IDEM staff. Indiana's rule regarding the land application of biosolid, industrial waste product, and pollutant-bearing water became effective June 14, 1998. Since that time both IDEM staff and the regulated community have concluded that some inconsequential and some substantive rule changes are required. Inconsequential changes are contextual in nature and provide more clarity. The substantial changes improve and enhance the program. The changes are listed in the Indiana Register. This rule becomes effective 30 days after filing with the secretary of state. (Filed with Secretary of State July 7, 2003.)

### **Change in Notice of Public Hearing**

#### **Solid Waste Management Board**

**LSA #00-185, [26 IR 3671](#)**

**329 IAC 10**

The Solid Waste Management Board (board) hereby gives notice that the date of the public hearing for consideration of final adoption of LSA Document #00-185 has been changed. The hearing will now be held on August 26, 2003. Notice is hereby given that on August 26, 2003 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 4 and 5, Indianapolis, Indiana the Solid Waste Management Board will hold a public hearing on proposed amendments to rules concerning solid waste land disposal facilities at article 329 IAC 10. Additional information regarding this action may be obtained from Pam Koons, Planning and Outreach Section, Office of Land Quality, 317/232-8899 or 800/451-6027 (in Indiana).

**LSA #00-161, [26 IR 3671](#)**

**329 IAC 9**

The Solid Waste Management Board (board) gives notice that the date of the public hearing for consideration of final adoption of #01-16(SWMB), printed at [26 IR 1962](#), has been changed. The hearing for final adoption concerning amendments to rules for underground storage tanks at 329 IAC 9, printed at [26 IR 1201](#), is renoticed for the board meeting of August 26, 2003. The hearing will be held at a regular meeting of the board on August 26, 2003, at 1:30 p.m. in the Indiana Government Center South, 402 West Washington Street, Conference Center Rooms 4 and 5, Indianapolis, Indiana. Additional information regarding this action may be obtained from Lynn West, Rules, Planning, and Outreach Section, Office of Land Quality. 317/232-3593 or 800/4516027, press 0 and ask for ext. 2-3593 (in Indiana).

**LSA #01-288, [26 IR 3672](#)  
329 IAC 10, 11, 12 and 13**

The Solid Waste Management Board (board) hereby gives notice that the date of the public hearing for consideration of final adoption of LSA Document #01-288, Removal of References to Special Waste and Industrial Waste, has been changed. The hearing will now be held on September 16, 2003. Notice is hereby given that on September 16, 2003 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Solid Waste Management Board will hold a public hearing on proposed amendments removing references to special waste and industrial waste in 329 IAC 10, 329 IAC 11, 329 IAC 12, and 329 IAC 13. Additional information regarding this action may be obtained from Steve Mojonnier, Rules, Planning and Outreach Section, Office of Land Quality, 317/233-1655 or 800/451-6027 (in Indiana).

**LSA #02-235, [26 IR 3672](#)  
329 IAC 3.1**

The Solid Waste Management Board (board) hereby gives notice that the date of the public hearing for consideration of final adoption of LSA Document #02-235, commonly known as the 2002 Hazardous Waste Annual Update, has been changed. The hearing will now be held on August 26, 2003. Notice is hereby given that on August 26, 2003 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 4 and 5, Indianapolis, Indiana the Solid Waste Management Board will hold a public hearing on proposed amendments to 329 IAC 3.1. Additional information regarding this action may be obtained from Steve Mojonnier, Rules, Planning and Outreach Section, Office of Land Quality, 317/233-1655 or 800/451-6027 (in Indiana).

**Proposed Rules**

**Water Pollution Control Board**

**LSA #01-51, [26 IR 3690](#)**

Amends 327 IAC 5-4-3 and adds 327 IAC 15-15. Under the Clean Water Act, CAFOs are point sources subject to the National Pollutant Discharge Elimination System (NPDES) permit process. This requirement is found in federal regulations at 40 CFR 122.23(a). The term "CAFO" is defined in 40 CFR 122. This language has been adopted in Indiana and is found in the Indiana Administrative Code at 327 IAC 5-4-3 concerning special NPDES programs. Based on a decision from the United States District Court for the Southern District of Indiana, the Indiana Department of Environmental Management (IDEM) is required to select one or three options for pursuing NPDES permits for CAFOs in Indiana. IDEM believes that development of a general permit rule is the most time and resource effective means to comply with this court order. Further, amendments to the federal rules have occurred that require IDEM to update its rules. IDEM has a separate program to regulate confined feeding operations (CFOs). This program is required under IC 13-18-10. However, the requirements of that program do not, in all instances, meet the requirements for a NPDES permit under federal law. IDEM believes the most effective way to address the issue of federal NPDES requirements of the Clean Water Act is in a separate rulemaking that considers all the alternatives available for compliance with the federal requirements. IDEM has amended rule language at 327 IAC 5-4-3 and drafted new rule language for a NPDES general permit for CAFOs at 327 IAC 15-15. This rule will become effective 30 days after filing with the secretary of state. Comments must be postmarked, hand-delivered, or faxed by August 22, 2003. These rules are not schedule for hearing at this time.

**First Notice**

**Air Pollution Control Board**

**LSA #03-195(APCB), [26 IR 3757](#)  
326 IAC 6-1-13; 7-4-3**

Development of amendments to 326 IAC 6-1-13 and 326 IAC 7-4-3 concerning deletion of references to decommissioned boilers and their corresponding particulate matter and sulfur dioxide emission limitations at Pfizer Inc.. Comments must be postmarked, faxed, or hand delivered by September 1, 2003. Additional information regarding this action may be obtained from Suzanne Whitmer, Rules Section, Office of Air Quality, 317/232-8229 or 800/451-6027 (in Indiana).

**LSA #03-201(APCB), [26 IR 3757](#)**

**326 IAC 2-10; 2-11**

Development of amendments to rules 326 IAC 2-10 and 326 IAC 2-11 concerning permit by rule for specific source categories. Comments must be postmarked, faxed, or hand delivered by September 1, 2003. Additional information regarding this action may be obtained from Pat Troth, Rules Section, Office of Air Quality, 317/233-5681 or 800/451-6027 (in Indiana).